

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

D/F

FILED
IN CLERK'S OFFICE
U S DISTRICT COURT E.D.N.Y.
★ JUL 12 2012 ★

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GUOGAN GAO, YUSHENG LI, JIN HAN,
QUI MING ZHENG, XUEXIANG CHEN,
ZHISONG LIN,

Plaintiffs,

-against-

DAO ASIAN RESTAURANT INC.,
PETER MA,

Defendants.

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NICHOLAS G. GARAUFIS, United States District Judge.

On November 4, 2011, the court referred the defendants' motion to dismiss for failure to prosecute to Magistrate Judge Cheryl L. Pollak for a report and recommendation. (See Docket Entry # 28.) Judge Pollak issued her final report and recommendation on May 31, 2012, in which she recommended that the motion be granted. (See Docket Entry # 34.)

Neither party has objected the R&R, and the time to do so has passed. See Fed. R. Civ. P. 72(b)(2). The court therefore reviews the R&R for clear error, see La Torres v. Walker, 216 F. Supp. 2d 157, 159 (S.D.N.Y. 2000); Gesualdi v. Mack Excavation & Trailer Serv., Inc., No. 09-CV-2502 (KAM) (JO), 2010 WL 985294, at *1 (E.D.N.Y. Mar. 15, 2010); cf. 28 U.S.C. § 636(b)(1)(C) (requiring the court to review those portions of the report to which objections are made de novo), and, finding none, ADOPTS the R&R in its entirety.

Accordingly, the defendants' motion is GRANTED. The Clerk of Court is respectfully directed to close the case.

SO ORDERED.

Dated: Brooklyn, New York
July 9, 2012

s/Nicholas G. Garaufis

NICHOLAS G. GARAUFIS
United States District Judge